

STATE PERSONNEL BOARD AGENDA



SEPTEMBER 23, 2008

SACRAMENTO, CA



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



MEMORANDUM

DATE: September 11, 2008

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the September 23, 2008, Meeting of the State Personnel Board

PLEASE TAKE NOTICE that on September 23, 2008, at the offices of the California State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in open sessions are open to those interested in attending. Interested members of the public who wish to address the Board on an open session item may request the opportunity to do so.

Should you have questions or wish to obtain a copy of any materials related to items considered in the open sessions, please visit the SPB website at www.spb.ca.gov or contact staff in the Secretariat's Office via mail at State Personnel Board, 801 Capitol Mall, Room 570, Sacramento, California 95814 or by calling (916) 653-1028.

Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

ARNOLD SCHWARZENEGGER, Governor



BOARD MEETING – SEPTEMBER 23, 2008 ¹

**9:00 a.m. – 12:00 p.m.
(Or upon completion of business)**

ALL TIMES ARE APPROXIMATE

Public and Closed Session Location

801 Capitol Mall, Room 150
Sacramento, CA 95814

¹ Sign Language Interpreter will be provided for Board Meeting upon request – contact Secretariat at (916) 653-1028.

OPEN SESSION OF THE STATE PERSONNEL BOARD

9:00 a.m.

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER**
- Suzanne M. Ambrose
- 3. REPORT OF THE ACTING CHIEF COUNSEL**
- Bruce Monfross
- 4. REPORT ON LEGISLATION**
- Carol Ong
- 5. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR OCTOBER 3, 2008, IN SACRAMENTO, CALIFORNIA.**
- 6. NEW BUSINESS**
Items may be raised by Board Members for scheduling and discussion for future meetings.

9:05 a.m.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**
Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3)]
- 8. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**
Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.
[Government Code sections 11126(c)(3), 18653]

9. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.
Case No. C01-1351 TEH

Yvonne Walker, Service Employees International Union, Local 1000 v. Arnold Schwarzenegger, et al., Sacramento Superior Court Case No. 34-2008-40000001-CU-PT-GDS

10. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature.
[Government Code section 18653]

11. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653]

12. EMPLOYEE PERSONNEL MATTER

Discussion concerning the appointment and employment of Chief Counsel candidates. [Government Code section 11126(a)(1)]

10:30 p.m.

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

13. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

14. SUBMITTED ITEMS

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

A. DEPARTMENT OF TRANSPORTATION'S CAREER EXECUTIVE ASSIGNMENT (CEA) PROPOSALS UNDER CONSIDERATION (Multiple Districts)

Staff from PEGC requested a hearing to discuss multiple CEA proposals that were listed on the March 25, 2008, State Personnel Board Agenda. PEGC and CalTrans Director Wil Kempton addressed the five-member Board on August 8, 2008. The Board took the matter under submission.

B. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

15. EVIDENTIARY CASES

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

(1) CASE NO. 06-0817A

Appeal from dismissal

Classification: Industrial Relations Counsel IV

Department: Department of Industrial Relations

Proposed decision rejected March 25, 2008.

Transcript prepared.

Oral argument set for June 9-10, 2008, Sacramento.

Oral argument continued.

Oral argument heard July 8, 2008, Sacramento.

Case ready for decision by FULL Board.

(2) CASE NO. 07-2581A

Appeal from rejection during probation

Classification: Correctional Officer Cadet

Department: Department of Corrections and Rehabilitation

Proposed decision rejected on May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

(3) CASE NO. 07-1295A

Appeal from dismissal

Classification: Fire Apparatus Engineer-Paramedic

Department: Department of Forestry and Protection

Proposed decision rejected on May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

(4) CASE NO. 07-2966EA

Appeal from discrimination complaint

Classification: Environmental Planner

Department: Department of Transportation

Proposed decision rejected May 13, 2008.

Transcripts prepared.

Oral argument heard September 3, 2008, Sacramento.

Case ready for decision by FULL Board.

B. ORAL ARGUMENTS

These cases will be argued at this meeting or will be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER

NONE

D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS

The Board Administrative Law Judges (ALJ) conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

PROPOSED DECISIONS AFTER HEARING

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **CASE NO. 07-1490**
Appeal from five percent reduction in salary for 12 months
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 05-4338E & 05-4339**
Appeal from five percent reduction in salary for 15 pay periods
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
- (3) **CASE NO. 06-3008**
Appeal from dismissal
Classification: Eligibility Worker II
Department: Department of Corrections and Rehabilitation
- (4) **CASE NO. 07-0482**
Appeal from dismissal
Classification: Lead Groundskeeper
Department: Department of Corrections and Rehabilitation
- (5) **CASE NO. 07-3575E**
Appeal from discrimination/retaliation complaint
Classification: Research Scientist IV (Chemical Sciences)
Department: Department of Health Services
- (6) **CASE NO. 07-1814**
Appeal from ten percent reduction in salary for 12 months
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

- (7) **CASE NO. 07-0110**
Appeal from 10 working days suspension
Classification: Academic Instructor
Department: Department of Corrections and Rehabilitation
- (8) **CASE NO. 06-4369**
Appeal from termination from CEA assignment
Classification: Chief Deputy Warden
Department: Department of Corrections and Rehabilitation
- (9) **CASE NO. 06-2883**
Appeal from dismissal
Classification: Plumber
Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **CASE NO. 07-1902P**
Appeal from dismissal
Classification: Carpenter II, (CF)
Department: Department of Corrections and Rehabilitation
- (2) **CASE NO. 08-1752EP**
Appeal from whistleblower retaliation complaint
Classification: Teacher
Department: Chaffey Community College District

- (3) **CASE NO. 06-4573NP**
Appeal from withhold from certification
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
- (4) **CASE NO. 05-3439DP**
Appeal from examination
Classification: Motor Vehicle Technician
Department: Department of Motor Vehicles
- (5) **CASE NO. 06-4111P**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
- (6) **CASE NO. 07-2517P**
Appeal from dismissal
Classification: Police Officer
Department: California State University, San Bernardino

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **CASE NO. 06-2706PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Proposed decision rejected December 4, 2007.
Transcript prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.

- (2) **CASE NO. 04-1782A**
Appeal from constructive medical suspension
Classification: Correctional Counselor I
Department: Department of Corrections and Rehabilitation
Proposed decision rejected June 24, 2008.
Transcripts prepared.
Oral argument set for October 3, 2008, Sacramento.
- (3) **CASE NO. 06-2737PA**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted April 22, 2008.
Transcripts prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.

16. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **CASE NO. 07-0629N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history and negative employment history.
- (2) **CASE NO. 06-3238N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; felony conviction for Driving Under the Influence.

- (3) **CASE NO. 06-4561N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; did not register with the Selective Service System.
- (4) **CASE NO. 07-1314N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and negative driving history.
- (5) **CASE NO. 06-4543N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information, negative employment history, illegal drug activity and negative law enforcement contacts.
- (6) **CASE NO. 06-4656N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (7) **CASE NO. 06-4544N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use.
- (8) **CASE NO. 07-0418N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
- (9) **CASE NO. 07-1023N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use within ten years of application.

- (10) CASE NO. 07-0151N**
Classification: Parole Agent I
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (11) CASE NO. 07-2745N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history and omitting pertinent information during the selection process.
- (12) CASE NO. 06-4545N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability, illegal drug use.
- (13) CASE NO. 07-0241N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; fraud.
- (14) CASE NO. 07-2499N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information during the selection process.
- (15) CASE NO. 07-3776N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and omitting pertinent information.
- (16) CASE NO. 06-4623N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.

- (17) CASE NO. 06-4747N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnishing inaccurate information and omitting pertinent information.
- (18) CASE NO. 07-0227N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history, negative employment history, failure to comply with legal obligations and negative law enforcement contacts.
- (19) CASE NO. 06-4443N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
- (20) CASE NO. 07-0812N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; omitting pertinent information and negative driving history.
- (21) CASE NO. 07-2292N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
- (22) CASE NO. 07-0613N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information, providing inaccurate information, negative driving history and negative law enforcement contacts.

- (23) CASE NO. 06-4439N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.
- (24) CASE NO. 06-4398N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative employment history.
- (25) CASE NO. 07-0221N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (26) CASE NO. 06-4431N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; failure to provide accurate information.
- (27) CASE NO. 07-0731N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts and negative employment history.
- (28) CASE NO. 07-0259N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; drug use.
- (29) CASE NO. 06-3454N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.

- (30) CASE NO. 06-4406N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use.
- (31) CASE NO. 06-4500N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving history and failure to comply with legal obligations.
- (32) CASE NO. 06-4518N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to provide accurate information.
- (33) CASE NO. 06-4494N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (34) CASE NO. 06-4511N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to provide information needed to complete background investigation.
- (35) CASE NO. 06-4636N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (36) CASE NO. 06-4764N**
Classification: Public Safety Dispatcher II
Department: California Highway Patrol
Issue: Suitability; omitting pertinent information.

- (37) CASE NO. 07-0443N**
Classification: Automotive Technician II
Department: California Highway Patrol
Issue: Suitability; negative law enforcement contacts.
- (38) CASE NO. 06-4485N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative work history.
- (39) CASE NO. 07-0444N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.
- (40) CASE NO. 06-4183N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (41) CASE NO. 06-4273N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
- (42) CASE NO. 07-0523N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
- (43) CASE NO. 07-0017N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts, negative driving history and omitting pertinent information.

- (44) CASE NO. 07-0031N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information, prior gang affiliation.
- (45) CASE NO. 06-3850N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; felony conviction.
- (46) CASE NO. 06-4197N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; engaging in inappropriate and illegal activity.
- (47) CASE NO. 07-0528N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts, negative employment history, negative military history and omitting pertinent information.
- (48) CASE NO. 06-4180N**
Classification: Cadet
Department: California Highway Patrol
Issue: Suitability; failure to disclose significant and pertinent information and negative driving history.
- (49) CASE NO. 07-0029N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to comply with legal obligations.
- (50) CASE NO. 06-4603N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and negative law enforcement contacts.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

CASES HEARD BY A STAFF HEARING OFFICER

NONE

DISMISSED CASES

- (1) CASE NO.07-2418N**
Classification: Youth Correctional Counselor
Department: Department of Corrections and Rehabilitation
- (2) CASE NO. 08-2327N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (3) CASE NO. 07-0554N**
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation

C. EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS, VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

RULE 211

NONE

RULE 212

NONE

VOIDED APPOINTMENT

NONE

E. REQUEST TO FILE CHARGES CASES, PETITION FOR REHEARING

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

17. NON-HEARING AGENDA

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing. Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII of the California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend that the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

NONE

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions. The first section lists position actions that have been proposed and are currently under consideration. Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Consulting Services Division of the State Personnel Board, and the department proposing the action. To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication. In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board. The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) DIRECTOR OF EMERGING PLANT PESTS AND DISEASES

The Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Director of Emerging Plant Pests and Diseases has administrative oversight for global policy formulation and management responsibility for sensitive and critical statewide division programs. This position will be responsible for managing the newly established statewide Light Brown Apple Moth Branch, Policy Analysis and Emerging Plant Pest Threats program, Phytosanitary Issues Management, and permits and regulations.

(2) DEPUTY DIRECTOR, CONSERVATION PLANNING AND WATER RESOURCES DIVISION

The California Department of Fish and Game proposes to revise the existing CEA allocation for the Deputy Director of Regional Operations and change the title to Deputy Director, Conservation Planning and Water Resources Division. The Deputy Director, Conservation Planning and Water Resources Division plays a decisive role in the Department's highest policymaking decisions. This position oversees and provides policy guidance to the division, which consists of two policy and program coordination branches.

(3) DEPUTY DIRECTOR, WILDLIFE AND FISHERIES MANAGEMENT DIVISION

The California Department of Fish and Game proposes to revise the existing CEA allocation for the Deputy Director, Resources Management and Policy Division and change the title to Deputy Director, Wildlife and Fisheries Management Division. The Deputy Director, Wildlife and Fisheries Management Division plays a decisive role in the Department's highest policymaking decisions. This position oversees and provides policy guidance to the division, which consists of three policy and program coordination branches, and the Marine Region.

**(4) DIRECTOR, REGULATIONS AND POLICY
MANAGEMENT**

The California Department of Corrections and Rehabilitation Plata Medical Services proposes to allocate the above position to the CEA category. This position will provide advice and direction to the Secretary, Undersecretaries, and the Assistant Secretary on the development of a wide range of regulations and policies affecting the Department. This position will also establish policy, provide advice and direction to executive staff, and oversee implementation of the Department's new executive decision making process.

(5) CHIEF OF PROGRAM ACCOUNTABILITY

The California Department of Forestry and Fire Protection (CAL FIRE) proposes to allocate the above position to the CEA category. The Chief of Program Accountability is responsible for the planning and managing, administration, and policy development of the CAL FIRE Program Accountability Section, which performs a variety of complex technical management audits. This position also functions as the CAL FIRE Information Security Officer and Privacy Officer.

(6) ASSISTANT DEPUTY DIRECTOR

The California Department of Developmental Services proposes to allocate the above position to the CEA category. The Assistant Deputy Director will be responsible for influencing and developing policy in all of the administrative areas in the division. This position will develop new policy as well as implement existing policy and will play a significant policy direction role in the Developmental Center and Community Facilities budget.

(7) VICE PRESIDENT OF PROGRAMMING

The California Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Vice President of Programming works directly with the Chief Executive Officer and the Board of Directors in setting policies that impact the planning, development, and implementation of all entertainment programs for the Orange County Fair and Event Center. As a member of the executive staff the Vice President of Programming will participate in all policy decisions affecting the governance of the district.

(8) VICE PRESIDENT OF OPERATIONS

The California Department of Food and Agriculture proposes to allocate the above position to the CEA category. The Vice President of Operations works directly with the Chief Executive Officer and the Board of Directors in setting policies that impact the planning, development, and implementation of all activities in support of the Orange County Fair and Event Center's Summer Fair and Agricultural Education Program. As a member of the executive staff the Vice President of Programming will participate in all policy decisions affecting the governance of the district.

(9) ASSISTANT PROGRAM BUDGET MANAGER

The California Department of Finance proposes to allocate the above position to the CEA category. The Assistant Program Budget Manager in the Health and Human Services Unit has major responsibility for the recommending and developing policies impacting all segments of legislation through the state's fiscal budgetary process. This position will independently influence, recommend, and negotiate statewide budget policy decisions.

(10) DEPUTY DIRECTOR OF HUMAN RESOURCES

The California State Lottery proposes to revise the existing CEA allocation for the Chief of Human Resources and change the title to Deputy Director of Human Resources. The Deputy Director of Human Resources is responsible for establishing policies relating to personnel management practices of the Lottery. This position will participate in setting the direction of the department, with significant policy identification, influence, and decision-making responsibility for the human resource programs.

**(11) REGIONAL COMMUNITY PROGRAM ADMINISTRATOR
(REGIONS 1, 2, 3, 4, 5, 6, 7) (7 POSITIONS)**

The California Department of Corrections and Rehabilitation proposes to allocate the above seven positions to the CEA category. Each Regional Community Program Administrator will be responsible for the administration of a very large and complex geographical region of the state. These positions will develop and implement regional operational policies for initiation and maintenance of successful collaborations with local government, community-based providers, foundations, and others in creating adult offender reentry programs.

(12) CHIEF DEPUTY, FIELD OPERATIONS

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief Deputy, Field Operations will be responsible for the management of the Board of Parole Hearings' quasi-judicial administrative hearing process. The position will also be responsible for the statewide formulation and implementation of policies and procedures related to the parole authority's quasi-judicial hearing operations and processes.

(13) CHIEF, HEARING OPERATIONS, NORTHERN REGION

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief, Hearing Operations, Northern Region will be responsible for policy development and formulation pertaining to the parole quasi-judicial administrative hearing process for the Decentralized Revocation units within the northern geographical region.

(14) CHIEF, HEARING OPERATIONS, SOUTHERN REGION

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Chief, Hearing Operations, Southern Region will be responsible for policy development and formulation pertaining to the parole quasi-judicial administrative hearing process for the Decentralized Revocation units within the southern geographical region.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

(1) PRIVACY AND SECURITY OFFICER

The California Public Employees' Retirement System's request to allocate the above position was approved effective September 4, 2008.

(2) CHIEF, E-HEALTH STANDARDS BRANCH

The California Health and Human Services Agency's request to allocate the above position was approved effective September 4, 2008.

- (3) ASSISTANT DIRECTOR, OFFICE OF HEALTH INFORMATION INTEGRITY**
The California Health and Human Services Agency's request to allocate the above position was approved effective September 4, 2008.
- (4) CHIEF, ADMINISTRATIVE LAW JUDGE**
The Department of Alcoholic Beverage Control's request to allocate the above position was approved effective September 4, 2008.
- (5) DIRECTOR, ADMINISTRATIVE SUPPORT**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.
- (6) UNDERSECRETARY, CORRECTIONS SERVICES**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.
- (7) ACTIVATION TEAM SUPERINTENDENT OF CORRECTIONS SERVICES (7 POSITIONS)**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above positions was approved effective September 4, 2008.
- (8) CHIEF, ENTERPRISE ARCHITECTURE AND CHANGE MANAGEMENT**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.
- (9) DIRECTOR, REHABILITATION SERVICES**
The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.

(10) DIRECTOR, SECURITY SERVICES

The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.

(11) DIRECTOR, CLASSIFICATION AND CASE RECORDS SERVICES

The California Department of Corrections and Rehabilitation Plata Medical Service's request to allocate the above position was approved effective September 4, 2008.

19. STAFF AGENDA ITEMS

CAL FIRE TRANSFER OF ATWATER CITY FIRE DEPARTMENT EMPLOYEES

The Department of Forestry and Fire Protection (CAL FIRE) requests that the Atwater City Fire Department employees be transferred into State civil service.

A D J O U R N M E N T



MEMORANDUM

DATE: September 23, 2008

TO: STATE PERSONNEL BOARD

FROM: CHILA SILVA-MARTIN, Consulting Services Division *C. Silva Martin*

SUBJECT: NON – HEARING AGENDA ITEMS FOR BOARD ACTION

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- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION STAFF TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

NONE

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

NONE



MEMORANDUM

DATE: September 23, 2008

TO: STATE PERSONNEL BOARD

FROM: CHILA SILVA-MARTIN, Consulting Services Division *C. Silva Martin*

SUBJECT: STAFF AGENDA ITEMS

CAL FIRE TRANSFER OF ATWATER CITY FIRE DEPARTMENT EMPLOYEES

The Department of Forestry and Fire Protection (CAL FIRE) requests that the Atwater City Fire Department employees be transferred into state civil service.

Date: September 23, 2008
To: State Personnel Board
From: Chila Silva-Martin, Chief, Consulting Services Division
Denise Masuhara, Manager, CEA & Board Items Unit
Subject: Blanketing Atwater City Fire Department Employees into State Civil Service

PROPOSED ACTION:

The California Department of Forestry and Fire Protection (CAL FIRE) requests that fourteen (14) employees from the Atwater City Fire Department be transferred into State civil service.

Staff is in agreement with this proposal.

CONSULTED WITH:

Larry Menth, Chief, Labor and Human Resources, California Department of Forestry and Fire Protection

Tony Favro, Manager, Personnel Services, California Department of Forestry and Fire Protection

Windy Bouldin, Manager, Classification and Pay Unit, California Department of Forestry and Fire Protection

BACKGROUND:

1. CAL FIRE proposes to enter into a contractual agreement, entitled a Schedule A Agreement, with Atwater City Fire Department to provide fire protection services effective **October 1, 2008**. CAL FIRE will assume responsibility for command and control operations, personnel management, community preparedness services, fire prevention and fire protection planning, training and safety, and equipment and facility maintenance of the Atwater City Fire Department.

A cooperative fire agreement sets forth the fire protection services to be furnished by the State, administered by CAL FIRE's Unit Chief, with reimbursement of costs made to the State by the local agency.

The authorized positions will be within civil service; and the salaries, hours, fringe benefits, and working conditions are established in accordance with State civil service law and rules.

To ensure continuity of operation and a minimum of disruption to ongoing functions, it is proposed to transfer the Atwater City Fire Department employees to equivalent State civil service classifications without examination effective **October 1, 2008**.

WHEREAS, effective **October 1, 2008**, CAL FIRE will assume the functions of the Atwater City Fire Department. Therefore be it

RESOLVED, that effective **October 1, 2008**, the civil service employees now employed by the Atwater City Fire Department shall be transferred to equivalent State classifications as determined by CAL FIRE as shown below without examination; and be it further

RESOLVED, that all persons holding Atwater City Fire Department positions for one year or more immediately preceding the effective date of such action shall continue to hold their positions as permanent civil service employees in the equivalent State classifications; and be it further

RESOLVED, that all persons holding Atwater City Fire Department positions for less than one year immediately preceding the effective date of such action shall continue to hold their positions subject to the probationary period established for the State classification to which assigned; and be it further

RESOLVED, that the Atwater City Fire Department has no employees currently on non-pay status; and be it further

RESOLVED, that any Atwater City Fire Department employee who is injured or becomes ill on the job prior to the effective date of **October 1, 2008**, shall not be transferred to the equivalent State classification until such time as the employee is medically released to full duty; and be it further

RESOLVED, that all persons who have previously held Atwater City Fire Department positions that are now to be under the California Department of Forestry and Fire Protection shall have all civil service rights that would have accrued if such former service had been under State civil service.

ATWATER CITY FIRE DEPARTMENT CLASSIFICATION	CAL FIRE STATE CLASSIFICATION
Fire Chief	Battalion Chief
Battalion Chief	Fire Captain
Fire Shift Captain	Fire Captain
Fire Engineer	Fire Apparatus Engineer

APPROVAL

SPB Staff Signature:

C. Susan Martin

Title: Chief, Consulting Services Division

Effective Date: Oct. 1, 2008